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May 13, 2002

Mr. Joel Willer
University of LA
120 Stubbs Hall
Monroe, Louisiana 71209

Dear Mr. Willer:

Thank you for contacting me regarding the recent CARP recommendation to impose a fee for play system on Internet radio stations. I understand your concerns regarding this issue.

As you know, the Copyright Arbitration Royalty Panel (CARP) recommended a ruling to create a fee for play system for Internet radio stations. Under this system, a station would be required to pay a royalty fee every time it played a song and would be required to back-pay fees since they began broadcasting. This recommendation has the potential to cripple, if not ruin, the emerging radio Internet system.

Many of the Internet radio stations are small companies and will not have the funds to pay these fees. Destroying these stations, which provide music that cannot be downloaded, could lead to increased use of programs that pirate copyrighted material. However, I believe the CARP recommendation was correct in recognizing the right of artists to be compensated for their work. Just as airwave radio stations pay a licensing fee for playing music, so should Internet radio stations.

The Congress is currently working to facilitate greater broadband access to the country. An important part of this process is to increase the availability of high content information on the Internet. Increasing this content will increase the demand for broadband Internet service. Internet radio stations are a good example of such a service.

Thus a compromise must be reached to allow their continued existence while compensating artists for their creations. A successful Internet radio station system will provide the type of high content data that will increase demand for high speed Internet access. At the same time, protecting the livelihood of artists will ensure they continue to create material that will be played on the Internet.

The Librarian of Congress will accept, reject, or modify the CARP recommendation by May 21, 2002. Rest assured I will keep your concerns in mind regarding this issue as the Congress considers its response. In the meantime, if I can assist you in any other way, please do not hesitate to contact my office.

Sincerely,

JOHN BREAUX
United States Senator

JB/csp